

REMARKS

The paragraph numbered 3 of the outstanding Office Action includes an objection to the specification. This objection is identical to the objection made in the previous Office Action dated August 18, 2008, except for the last sentence that appears in the outstanding Office Action that offers a suggestion to amend the specification to include specific examples of computer readable media.

Applicants fully responded to the specification objection in the “Response After Final Under 37 C.F.R. § 1.116” filed on November 26, 2008. See pages 3-4 of this response.

An Advisory Action mailed on December 11, 2008 includes the following statement by the Examiner (underlining added for emphasis)

In response to the remarks examiner regarding objection, the examiner withdraws the object to the specification.

That is, the Examiner stated that the specification objection was withdrawn.

Notwithstanding this statement, the outstanding rejection includes the same specification objection. Furthermore, the outstanding rejection does not provide any substantive response to the arguments made by Applicants in the November 26, 2008 response as required by examination guidelines. Paragraph 15 of the outstanding rejection states that “Applicant’s arguments with respect to claims 13-27 have been considered but are moot in view of the new grounds of rejection.” However, as noted above, the specification objection is not a new grounds of rejection, and thus a substantive response to Applicants’ previous arguments is required since an RCE was filed, assuming that the specification objection is being reinstated. The Examiner’s new statement at the end of the specification objection in the outstanding Office Action is not a substantive response to Applicants’ arguments. Nor is it a helpful suggestion because the Examiner does not identify where support exists in the original specification for making the proposed amendment.

Accordingly, Applicants respectfully request that one of the following two actions be taken:

1. Mail out a new Office Action having a restarted period for reply (pursuant to MPEP

§ 710.06) and delete the specification objection to make the Office Action consistent with the Examiner's statement in the Advisory Action that the specification objection was withdrawn.

2. Mail out a new Office Action having a restarted period for reply (pursuant to MPEP § 710.06) and substantively respond to Applicants' previous arguments made in the "Response After Final..." traversing the specification objection.

Applicants earnestly wish to advance prosecution of this application and cannot do so based on the outstanding Office Action because the Examiner's position is unclear regarding the specification objection.

Respectfully submitted,

RICHARD D. MARTIN et al.

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(Date)

By: Clark Jablon

CLARK A. JABLON
Registration No. 35,039
PANITCH SCHWARZE BELISARIO & NADEL LLP
One Commerce Square
2005 Market Street - Suite 2200
Philadelphia, PA 19103
Telephone: (215) 965-1330
Direct Dial: (215) 965-1293
Facsimile: (215) 965-1331